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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission 13

Application Number

10/772,701

Filing Date

02/05/2004

First Named Inventor

David P. Workman

Art Unit

1725

Examiner Name

Kevin P. Kema

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Attorney Docket Number

020627.035

ENCLOSURES (Check all that apply)

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gallagher & Dawsey Co. LPA		
Signature			
Printed name	David J. Dawsey		
Date	8/9/2006	Reg. No.	51,044

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	David J. Dawsey
Date	8/9/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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RESPONSE TO OFFICE ACTION MAILED 5/10/2006
"Method for Repairing Defects in Metallic Substrate Using Welding"
Serial No. 10/772,701
Examiner: Kevin P. Kerns
Atty. Docket No. 020627.035
Page 1 of 12

IN THE UNITED STATES PATENT & TRADEMARK OFFICE**RECEIVED
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Inventors: David P. Workman, James L. Reynolds)
Jr., Timothy J. Trapp, Jerry E. Gould)
) Examiner: Kevin P. Kerns
Serial No.: 10/772,701)
) Art Unit: 1725
Filed: February 5, 2004)
Title: Method for Repairing Defects in)
Metallic Substrate Using Welding)
Date: August 9, 2006)

AUG 09 2006

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AMENDMENT & RESPONSE TO NONFINAL OFFICE ACTION**FILED BY FACSIMILE TO 571-273-8300**

Honorable Commissioner of Patents and Trademarks
10 Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

15 Commissioner:

This communication is in response to a non-final Office Action mailed on May 10, 2006. As this communication is being submitted within three months, it is believed to be timely. Please enter this amendment to the above-captioned application as follows; (1) Claims 1-21 are pending in the application, (2) Claims 1 and 15 are currently amended and Claims 2, 17, and 18 are currently canceled, and (3) Applicant requests consideration of the arguments as follow directed to Claims 1-21. Please enter the following amendments to the claims without prejudice and consider the following remarks, which support allowance of those claims.

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Serial No. 10/772,701
Examiner: Kevin P. Kerns
Atty. Docket No. 020627.035
Page 2 of 12

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 11 of this paper.

Conclusion begins on page 12 of this paper.

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INTRODUCTORY REMARKS

In response to the recent office action, applicant amends the claims placing them in a condition for allowance. Additionally, in response to the nonstatutory double patenting rejection, Applicant concurrently submits a terminal disclaimer in the currently pending application number 10/983,154. Further, in accordance with MPEP §804(B), Applicant believes that the 10 "provisional" double patenting rejection is the only rejection remaining in the present application and therefore this rejection should be withdrawn.